

DISCUSSION

In this case, Defendants timely filed an "...Answer and Defenses To First Amended Complaint & Amended Counterclaims" (Document No. 29) on September 8, 2022. As such, the Court finds that "Plaintiff's Motion To Dismiss Defendant's Counterclaims" (Document No. 21) should be denied as moot.

It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) ("The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect."); see also, Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) ("Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint 'of no effect.'"); Colin v. Marconi Commerce Systems Employees' Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) ("Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs' filing of the Second Amended Complaint"); Brown v. Sikora and Associates, Inc., 311 Fed.Appx. 568, 572 (4th Cir. Apr. 16, 2008); and Atlantic Skanska, Inc. v. City of Charlotte, 3:07-CV-266-FDW, 2007 WL 3224985 at *4 (W.D.N.C. Oct. 30, 2007).

To the extent Plaintiff contends Defendants' Amended Counterclaims (Document No. 29) are deficient, this Order is without prejudice to Plaintiff filing a renewed motion to dismiss.

IT IS, THEREFORE, ORDERED that "Plaintiff's Motion To Dismiss Defendant's Counterclaims" (Document No. 21) is **DENIED AS MOOT**.

Signed: September 15, 2022



David C. Keesler
United States Magistrate Judge

